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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,457	07/02/2003	Fabian F. Morgan	AUS920030292US1	5384

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EXAMINER:
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TECKLU, ISAAC TUKU

ART UNIT	PAPER NUMBER
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2192

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/612,457

Applicant(s)

MORGAN, FABIAN F.

Examiner

Isaac T. Tecklu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/02/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This action is responsive to the application filed on 07/02/2003.
2. Claims 1-22 have been examined.

***Oath/Declaration***

3. The office acknowledges receipt of a properly signed oath/declaration filed on 07/02/2003.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 22 is rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.
6. Claim 22 recites, "Computer-readable medium " defined to include wireless communication links (page 17, lines 15-20). Thus, under the Interim Guidelines such wave does not fall within one of the four statutory classes of 35 U.S.C. 101 (See Annex IV). Therefore, the above claims are non-statutory.

A computer-readable media is a tangible physical article or object, some form of matter, which a signal (infrared)/carrier wave is not. That the other two product classes, machine and composition of matter, require physical matter is evidence that a manufacture was also intended to require physical matter. A signal/carrier wave, a form of energy, does not fall within either of the two definitions of manufacture. Thus, a signal/carrier wave does not fall within one of the four statutory classes of Sec. 101.

See Annex IV (c) Electro-Magnetic Signals, Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility (signed October 26, 2005) – OG Cite: 1300 OG 142. Online version can be retrieved at

<http://www.uspto.gov/web/offices/com/sol/og/2005/week47/patgupa.htm>

Under the principles of compact prosecution, claim 22 has been examined as the Examiner anticipates the claims will be amended to obviate these 35 USC 101 issues. For example, A computer-readable physical storage medium...-

*Claim Rejections - 35 USC § 102*

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker (US 2004/0015840 A1).

Per claim 1, Walker discloses a method, in a data processing system, for code reusability and maintainability, the method comprising:

providing a utility class in a server that defines a utility method (para [0072-0073] “... XmlUtil class...”);

responsive to receiving a request at the server for attributes for an entity from a client (parag [0091] “... a request is made to the API ... name of java class ...”), generating a method call for the utility method (para [0039] “... method allows a JAVA class ...”), wherein the method call identifies the entity and a response object name (parag [0091] “... name of java class specified...”);

generating a response object and assigning the response object name to the response object (para [0056] "... what class of object must be constructed ..."); and  
returning the response object to the client (para [0097] "... object is returned ...").

Per claim 2, Walker discloses the method of claim 1, wherein the utility method is a Java public static method (para [0040] "... class bookstore ..." and para [0073] "... class provides static methods ...").

Per claim 3, Walker discloses the method of claim 1, wherein the request is an extensible markup language request (e.g. FIG. 5, element 505 and related text).

Per claim 4, Walker discloses the method of claim 3, wherein the extensible markup language request is one of a list request and a get request (e.g. FIG. 5, element 535 and related text and para [0051] "... GetMethod parameter is used ... retrieve this field ...").

Per claim 5, Walker discloses the method of claim 1, further comprising: retrieving, by the utility method, at least one data item for the method call and the identified entity, wherein the response object include the at least one data item (e.g. FIG. 5, element 530 and related text).

Per claim 6, Walker discloses the method of claim 5, wherein the step of retrieving at least one data item include retrieving the at least one data item from a database (para [0109] "... retrieve the field descriptors ...").

Per claim 7, Walker discloses the method of claim 6, wherein the at least one data item is retrieved from the database through a structured query language interface (e.g. FIG. 5, element 535 and related text and para [0051] "... GetMethod parameter is used ... retrieve this field ...").

Per claim 8, Walker discloses the method of claim 5, wherein the request includes a list of attributes (para [0071] "...getAttributes...").

Per claim 9, Walker discloses the method of claim 8, wherein the at least one data item includes a set of attributes for the entity, wherein the set of attributes corresponds to the list of attributes (para [0071] "...getAttributes...").

Per claim 10, Walker discloses the method of claim 9, wherein the list of attributes is an empty string (para [0071] "...String.class...").

Per claim 11, Walker discloses the method of claim 10, wherein the set of attributes includes all attributes for the entity (para [0071] "...getAttributes...").

Per claim 12, Walker discloses the method of claim 1, wherein the response object is an extensible markup language document (e.g. FIG. 6, element 630 and related text).

Per claim 13, this is the apparatus version of the claimed method discussed above (Claim 1), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Walker.

Per claim 14, this is the apparatus version of the claimed method discussed above (Claim 3), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Walker.

Per claim 15, this is the apparatus version of the claimed method discussed above (Claim 5), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Walker.

Per claim 16, this is the apparatus version of the claimed method discussed above (Claim 6), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Walker.

Per claim 17, this is the apparatus version of the claimed method discussed above (Claim 8), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Walker.

Per claim 18, this is the apparatus version of the claimed method discussed above (Claim 9), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Walker.

Per claim 19, this is the apparatus version of the claimed method discussed above (Claim 10), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Walker.

Per claim 20, this is the apparatus version of the claimed method discussed above (Claim 11), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Walker.

Per claim 21, this is the apparatus version of the claimed method discussed above (Claim 12), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Walker.

Per claim 22, this is the program product version of the claimed method discussed above (Claim 1), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Walker.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac T. Tecklu whose telephone number is (571) 272-7957. The examiner can normally be reached on M-TH 9:30A - 8:00P.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Isaac Tecklu  
Art Unit 2192



TUAN DAM  
SUPERVISORY PATENT EXAMINER